

Assembly Bill No. 42

CHAPTER 6

An act to amend Section 12174 of the Government Code, relating to museums, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 15, 2005. Filed with
Secretary of State March 15, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 42, Nunez. Secretary of State and State Archives Building Complex: museum.

Existing law requires the Secretary of State to administer, protect, and develop the Secretary of State and State Archives Building Complex and authorizes the Secretary of State to enter into an agreement with the Golden State Museum Public Benefit Corporation for the operation of the Golden State Museum within the complex. The board of trustees of the corporation is the governing authority for operations funded through moneys received by the corporation and is required to perform specified activities, including the submission of an annual audit to the Secretary of State, and copies to specified entities. The board of trustees of the corporation includes the Chairperson of the California Heritage Preservation Commission as an ex officio voting member. Certain individuals working with or for the corporation for purposes consistent with the mission of the corporation are considered volunteers for specified purposes.

This bill would additionally authorize the Secretary of State to enter into an agreement with the corporation's successor for the operation of a museum located within the complex, and make various conforming changes. It would specify that the governing board of the corporation is the governing authority for operations funded through moneys received by the museum and would encourage the board to conduct its activities according to specified criteria. The bill would remove the Chairperson of the California Heritage Preservation Commission from ex officio board membership and instead make the Director of Parks and Recreation or his or her designee an ex officio voting member. It would require the Secretary of State to submit copies of the annual audit to the specified entities, and delete the provisions designating the individuals working with or for the corporation as volunteers. The bill would declare that the corporation or its successor is a private nonprofit corporation and would prohibit it from being considered a state, local, or other public body for any purpose.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. (a) It is the intent of the Legislature to extend knowledge of California's rich history, cultural diversity, and government to the people of the state through the museum located in the Secretary of State and State Archives Building Complex. The museum will preserve and present California's cultural, social, and political history through exhibits and programs that include the display of records, photographs, and artifacts from the collection of the California State Archives. The museum will also house a first-ever Women's History Museum.

(b) In recognition of the need to extend the fiscal resources of the state, it is the intent of the Legislature to authorize the Secretary of State to enter into an agreement with a private nonprofit organization for the operation of the museum and to permit the museum to occupy a portion of the Secretary of State and State Archives Building Complex.

(c) The benefit of this arrangement to the state will be that the private nonprofit organization shall develop and administer the museum and solicit private donations to assist in providing funding for the museum.

SEC. 2. Section 12174 of the Government Code is amended to read:

12174. (a) The Secretary of State shall administer, protect, develop, and interpret the Secretary of State and State Archives Building Complex located in Sacramento in the area bounded by 10th, 11th, O, and P Streets as authorized by Section 12235 for the use, education, and enjoyment of the public.

(b) The Secretary of State may enter into an operating agreement with the Golden State Museum Public Benefit Corporation (GSM PBC), formerly known as the California Archives Foundation, an existing California nonprofit public benefit corporation, tax exempt under Section 501(c)(3) of the United States Internal Revenue Code, or its successor. Under the operating agreement with the Secretary of State (including the State Archives), the corporation shall operate a museum located in the Secretary of State and State Archives Building Complex, including development, administration, interpretation, and management of the museum and related public services, and acquiring and managing funding for the museum's programs and services. Secondly, the corporation may support the programs and operations of the State Archives.

(c) The governing board of the corporation shall include the Secretary of State or any Assistant Secretary of State designated by the Secretary of State and the Director of Parks and Recreation or his or her designee as ex officio voting members of the board. The board shall be the governing authority for operations funded through moneys received by the museum. The board shall submit an audit report annually to the Secretary of State. The Secretary of State shall submit copies of the annual audit reports to the Director of Finance, the Chair of the Joint Legislative Audit Committee, and the Chair of the Joint Legislative Budget Committee. No funds raised or assets acquired by the corporation shall be used for purposes inconsistent with support of the museum and the State Archives.

(d) No later than January 10 of each year, the corporation shall submit the corporation business plan for the following fiscal year to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment. The executive director of the corporation shall also submit, not less than 30 days prior to adoption by the governing board of the corporation, any proposed formal amendments to the corporation business plan to the Director of Finance and the Chair of the Joint Legislative Budget Committee for review and comment.

(e) Fees charged to members of the public for copying, reproduction, and other services provided by the State Archives shall be at a level consistent with the costs of providing these services. The Secretary of State may establish an agreement with the corporation to provide these services and collect moneys for providing these services.

(f) Notwithstanding any other provision of law, the GSMPBC, or its successor, is a private nonprofit corporation and shall not be considered a state, local, or other public body for any purpose.

(g) The Legislature encourages the governing board of the corporation to conduct its meetings in an open manner, establish a board membership that is representative and reflective of California's rich history, and work cooperatively with the Secretary of State to ensure public input, confidence, and accountability in the museum's use of its resources and the protection of California's priceless archives, collections, and artifacts.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enhance and improve the museum described in this act expeditiously it is necessary that this act take effect immediately.